

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ROBERT A. LUND,

Case No. 6:14-cv-00448-AA

Plaintiff,

OPINION AND ORDER

v.

CHASE BANK,

Defendant.

AIKEN, Chief Judge:

Plaintiff moves to remand this case to Linn County Circuit Court after defendant removed it to federal courts on grounds of federal question and diversity jurisdiction. The motion is denied.

In his complaint against defendant, plaintiff alleges that defendant violated his rights under the Fourth and Fifth Amendments to the United States Constitution and failed to comply with 26 U.S.C. § 7609 by disclosing financial information sought by the United States government. Def.'s Notice of Removal, Ex. 1 at 5, 8-11. Clearly, plaintiff alleges violations of federal law, and this court has jurisdiction over questions arising under federal law.

28 U.S.C. § 1331 ("The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."); see also Beneficial Nat'l Bank v. Anderson, 539 U.S. 1, 6 (2003) ("[A] suit arises under the Constitution and laws of the United States only when the plaintiff's statement of his own cause of action shows that it is based upon those laws or that Constitution.") (internal quotation marks and citation omitted).

Further, defendant has established diversity jurisdiction to support removal of this action to federal court. Diversity jurisdiction requires complete diversity of citizenship between the plaintiff and defendant and an amount in controversy in excess of \$75,000. 28 U.S.C. § 1332(a); Caterpillar, Inc. v. Lewis, 519 U.S. 61, 68 (1996); Allstate Ins. Co. v. Hughes, 358 F.3d 1089, 1095 (9th Cir. 2004). Here, plaintiff is a citizen of Oregon, defendant is a "citizen" of Ohio, 28 U.S.C. § 1348, and plaintiff seeks \$3,000,000 in damages, well over the jurisdictional amount of \$75,000.

Accordingly, plaintiff's Motion to Remand (doc. 9) is DENIED.
IT IS SO ORDERED.

Dated this 8th day of May, 2014.


Ann Aiken
United States District Judge